STATUTORY RULES OF NORTHERN IRELAND

2002 No. 404

SEEDS

The Forest Reproductive Material Regulations (Northern Ireland) 2002

Made - - - - 19th December 2002

Coming into operation 1st January 2003

The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by sections 1 and 2 of the Seeds Act (Northern Ireland) 1965(**1**) ("the Act of 1965") and of every other power enabling it in that behalf, and being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, and after consultation, in accordance with section 1(1) of the Act of 1965 with representatives of such interests as appear to it to be concerned, hereby makes the following Regulations:

PART I

GENERAL

Title, extent and commencement

1. These Regulations may be cited as the Forest Reproductive Material Regulations (Northern Ireland) 2002, shall extend to Northern Ireland, and shall come into operation on 1st January 2003.

Interpretation

2.—(1) These Regulations shall be interpreted in accordance with the provisions of this regulation.

(2) In these Regulations–

(**1**) 1965 c. 22 (N.I.); section 1 was amended by section 10 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970 c. 20 (N.I.) and S.R. & O. (N.I.) 1972 No. 351; section 2 was amended by section 10 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970 and S.R. 1977 No. 295

(**2**) S.I.2000/2812

(**3**) 1972 c. 68

"approved basic material" means basic material which is approved in accordance with regulation 7;

"autochthonous" means, in relation to a stand or seed source, either–

(a) that it has been continuously regenerated by natural regeneration, or

(b) that it has been regenerated artificially from–

(i) reproductive material collected in the same stand or seed source, or

(ii) from other stands or seed sources within close proximity meeting the descriptions in (a) or (b)(i);

"authorised officer" means a person authorised by the Department of Agriculture and Rural Development to exercise its powers and execute its functions under these Regulations;

"basic material" means material from which reproductive material may be collected or produced and which is in the form of one of the types defined in paragraph (3);

"category" in respect of forest reproductive material means one of the categories listed in regulation 4(1);

"clonal mixture" is a type of basic material and has the meaning given it in paragraph (3);

"clone" is a type of basic material and has the meaning given it in paragraph (3);

"collecting" includes the taking of parts of plants, extraction of seed, and harvesting;

"contact details" means a person's telephone number, if he has one, and, where he may be contacted by other telephonic or electronic communication, his fax number or e-mail address;

"crossing design" means the method by which individual trees used as female parents are pollinated, whether naturally or artificially, by one or more trees used as male parents;

"Department" refers to the Department of Agriculture and Rural Development;

"the Directive" means Council Directive 1999/105/EC of 22nd December 1999 on the marketing of forest reproductive material(**4**);

"EC classification" refers, in respect of *Populus* spp., to the classification EC 1, EC 2, N1, N2, S1 or S2, each of which has the meaning given it in Schedule 9;

"Forest reproductive material" means reproductive material of the tree species and artificial hybrids listed in Schedule 1;

"full-sibling" means progeny obtained from parents of family where the identified parent used as female is pollinated with the pollen of one other parent tree;

"genetically modified organism" has the meaning given to it in Article 2(1) and (2) of Council Directive 2001/18/EC(**5**), unless in reference to a requirement under regulation 7(4) for authorisation to have been given before 17th October 2002, when it has the meaning given it in Article 2(1) and (2) of Council Directive 90/220/EEC(**6**);

"half-sibling" means progeny obtained from parents of family where the identified parent used as female is pollinated with a number of identified or unidentified parent trees;

"indigenous" in respect of a stand or seed source means that it is an autochthonous stand or seed source, or has been raised artificially from seed, the origin of which is situated in the same region of provenance;

"infructescense" is a type of seed unit and means a group of fruits formed on a single inflorescence;

"marketing" means–

(**4**) O.J. L11, 15.1.00, p. 17
(**5**) O.J. L106, 17.4.01, p. 1
(**6**) O.J. L117, 8.5.90, p. 15

(a) displaying with a view to sale,

(b) offering for sale,

(c) selling, or

(d) delivering under a contract (other than where an agent delivers to his principal items procured on the principal's behalf), including a contract for the supply of services;

"owner" in respect of basic material has the meaning given it in regulation 7(6), subject to regulation 7(9);

"Master Certificate" means, in the case of forest reproductive material collected or otherwise derived from basic material which is located in–

(a) Northern Ireland, a Master Certificate issued in accordance with regulation 7(4), (6) and (7) in the form required under regulation 13(8);

(b) in Great Britain, a Master Certificate issued by the official body in accordance with Article 12 of the Directive; or

(c) in another member State, a Master Certificate issued by the official body of that member State in accordance with Article 12 of the Directive;

"the Mediterranean climatic region" means Greece, Italy, Portugal, Spain and the following regions of France: Aquitaine, Langedoc-Roussillon, Midi-Pyrenées, Provence-Alpes-Côte d'Azur;

"Northern Ireland Register" has the meaning given to it in regulation 6;

"the 1977 Regulations" means the Forest Reproductive Material Regulations (Northern Ireland) 1977(**7**);

"the 1973 Regulations" means the Forest Reproductive Material Regulations (Northern Ireland) 1973(**8**);

"official body" in respect of other member States has the meaning given it in Article 2, paragraph (k) of the Directive; and in respect of Great Britain means the Forestry Commissioners;

"origin" means–

(a) in respect of an autochthonous stand or seed source, the place in which the trees are growing, and

(b) in respect of any other stand or seed source, the place from which the seed or plants in the stand or seed source were originally introduced;

"ortet" has the meaning given it under "clones" in paragraph (3) of this regulation;

"parents of family" are a type of basic material, and the phrase has the meaning given to it in paragraph (3);

"parts of plants" refers to a type of reproductive material, and the phrase has the meaning given it in paragraph (4);

"plant passport" has the meaning given it in the Plant Health Order (Northern Ireland) 1993(**9**);

"planting stock" refers to a type of reproductive material, and has the meaning given it in paragraph (4);

"*Populus* spp." includes all species of the genus, including artificial hybrids;

"production" includes all stages in–

(**7**) S.R. 1977 No. 194 amended by S.R. 1993 No. 197
(**8**) S.R. & O. (N.I.) 1973 No. 208
(**9**) S.R. 1993 No. 256

the generation of a seed unit and, where the seed unit is not already a seed, the conversion from seed unit to seed, and

the raising of planting stock from seed units and parts of plants;

"provenance" means the place in which any stand of trees is growing or where a seed source is located;

"ramet" has the meaning given it under "clones" in paragraph (3) of this regulation;

"region of provenance" means, in respect of a species or sub-species, an area demarcated pursuant to regulation 5 by the Department or in accordance with Article 9 of the Directive by another official body, in which stands or seed sources showing similar phenotypic or genetic character are found, or a group of such areas subject to uniform or similar ecological conditions;

"registered supplier" means a supplier of forest reproductive material registered in accordance with regulation 16;

"reproductive material" means material which is derived from basic material and is in one of the forms defined in paragraph (4);

"seed orchard" is a type of basic material and has the meaning given it in paragraph (3);

"seed source" is a type of basic material and has the meaning given it in paragraph (3);

"seed unit" is a type of reproductive material and has the meaning given it in paragraph (4);

"specified purpose" in Schedules 3 and 5 has the meaning given it in Schedule 3, in the paragraph headed "General";

"stand" is a type of basic material and has the meaning given it in paragraph (3);

"standard" means basic material or reproductive material which serves as a comparator in comparative tests and is defined more specifically in Schedule 5, paragraph 3(b);

"subsequent multiplication by vegetative propagation" means propagation by vegetative methods from forest reproductive material in respect of which a Master Certificate has been issued or sought

"supplier" means any person who, acting in the course of a business or trade (whether or not for profit), markets or imports forest reproductive material;

"supplier's label or document" means, except in regulations 23 and 24, the label or document setting out the particulars required under regulation 19(1);

"third countries" means countries which are not member States of the European Union;

"the Tribunal" means the Tribunal continued under section 42 of, and Schedule 3 to, the Plant Varieties Act 1997(**10**);

"unit of approval" shall be construed in accordance with regulation 7(5); and

"verification test" means an assessment, whether by observation or measurement of characteristics, including molecular methods of measurement, or by other means, of the proportion of hybrid material in reproductive material, where that reproductive material is produced as an artificial hybrid.

(3) In respect of basic material–

"clonal mixture" means a mixture of identified clones in known proportions;

"clone" means a group of individuals (referred to as "ramets") derived originally from a single individual (referred to as an "ortet") by means of vegetative propagation, such as cuttings, micropropagation, grafts, layers or divisions;

(**10**) 1997 c. 66

"parents of family" means trees used to obtain progeny by controlled or open pollination of one identified parent used as a female;

"seed orchard" means a plantation of selected clones or families which is isolated or managed so as to avoid or reduce pollination from outside sources, and managed so as to produce frequent, abundant and easily collected crops of seed;

"seed source" means trees within an area from which seed is collected; and

"stand" means a delineated population of trees possessing at least a moderate degree of uniformity in composition.

(4) In respect of reproductive material,

"parts of plants" means–

(a) buds,

(b) cuttings of stem, leaf or root,

(c) explants or embryos for micropropagation,

(d) layers,

(e) roots,

(f) scions,

(g) sets, and

(h) any other part of a plant intended for the production of planting stock;

"planting stock" means plants which are produced from seed units or from parts of plants, or which originated by natural regeneration; and

"seed unit" means cones, infructescenses, fruits and seeds intended for the production of planting stock.

(5) References to member States and the European Community shall be construed as including the Channel Islands and the Isle of Man.

(6) References to the Department's prescribed fee or fees are to those fees payable to the Department in respect of its functions under these Regulations by virtue of Regulations made under the European Communities Act 1972.

Application

3. These Regulations shall not apply to forest reproductive material intended for export or re-export to third countries.

PART II

FOREST REPRODUCTIVE MATERIAL AND APPROVAL OF BASIC MATERIAL FOR ENTRY IN THE NATIONAL REGISTER

Categories of Forest Reproductive Material

4.—(1) Forest reproductive material shall be categorised as follows–

(a) "source-identified" material shall be so categorised if the basic material from which it is derived meets the requirements of Schedule 2;

(b) "selected" material shall be so categorised if the basic material from which it is derived meets the requirements of Schedule 3;